

APPEAL NO. 030326  
FILED MARCH 19, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 6, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and had disability from August 14, 2002, through the date of the hearing. The appellant (carrier) appealed on sufficiency of the evidence grounds. The file does not contain a response from the claimant.

DECISION

Affirmed as reformed.

We note that the hearing officer's Finding of Fact No. 4 reads, "Due to the claimed injury, the [c]laimant **[was, was not]** unable to obtain or retain employment at wages equivalent to the [c]laimant's preinjury wage beginning on August 14, 2002 and continuing through the date of this hearing." (Emphasis added.) Upon reading the hearing officer's decision and order in its entirety, we find that the emphasized portion of Finding of Fact No. 4 constitutes a clerical error, and reform it to read, "Due to the claimed injury, the [c]laimant **was** unable to obtain or retain employment at wages equivalent to the [c]laimant's preinjury wage beginning on August 14, 2002, and continuing through the date of this hearing." (Emphasis added.)

We have reviewed the complained-of determinations and find that the hearing officer's Decision and Order is supported by sufficient evidence to be affirmed. The disputed issues presented questions of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We note that in its appeal, the carrier appears to assert that the claimant did not have disability because the employer had made a bona fide offer of employment (BFOE), which the claimant did not accept. Whether or not the employer made, or the claimant accepted, a BFOE was not an issue at the hearing and will not be considered on appeal.

The hearing officer's decision and order are affirmed as reformed herein.

The true corporate name of the insurance carrier is **TRAVELERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Robert W. Potts  
Appeals Judge